

REMARKS

Claims 1-24 are pending in the present application. Claims 1 and 13 are independent.

Allowable Subject Matter

Applicants appreciate the Examiner's withdrawal of the previous art rejections, as well as the previous rejection under 35 U.S.C. § 112, second paragraph. Because no art has been applied in the last Office Action, Applicants assume that the claims patentably define subject matter over the prior art. There remain issues under 35 U.S.C. § 112, first and second paragraphs, but these issues relate to a rather minor definition issue that is resolved below and above. Thus, Applicants assert that all of the claims are in condition for allowance and earnestly solicit an early indication therefore.

35 U.S.C. § 112, first paragraph rejection

Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection, insofar as it pertains to the presently pending claims and specification is respectfully traversed.

The explanation of this rejection exhibits a confusion as to some terms utilized by the specification and claims. Specifically, there is confusion regarding the terms "inventive database", "the database invention", and the term "stress-test information database." The Office Action further explains that it is unclear from the description as to whether the "inventive database" is equivalent to the "database invention" and how this relates to a "stress-test data base." The correlation between these terms is further explained below and has been clarified in the amendments to the specification above.

The specification actually relates to several inventions, including the virtual oven and the stress-test information database. The virtual oven invention was separately pursued in another patent application [Serial No. 09/975,722, now USP 6,766,267]. This virtual oven invention may utilize a general database 40 as illustrated in Figures 4, 5, and 6(a-e). In other words, the virtual oven is a separate and independent invention that may utilize a generalized database 40 as illustrated in the drawings, specifically, Figures 4, 5, and 6(a-e). A separately patentable concept is the stress-test information database itself. In a preferred implementation, the virtual oven may utilize the stress-test information database.

To clarify the relationship between these inventive concepts, the specification has been amended above. As clarified therein,

the database 400 illustrated in Figures 11-15 and described on, for example, pages 30-37, is merely a shorthand notation for the inventive stress-test information database. In other words, the database 400 is synonymous with and equivalent to the stress-test information database. The originally filed specification utilizes the shorthand notation database 400, while the claims utilize the longhand version of this term, namely, the "stress-test information database." The specification has been amended accordingly to show the equivalence of these two terms and, indeed, it is really just a shorthand notation for the same term.

Applicants further submit that the written description, including at least pages 30-37 as well as Figures 11-15, and, indeed, the originally filed claims, provide a adequate written description in full compliance with the written description requirement of 35 U.S.C. § 112, first paragraph.

Furthermore, Applicants submit that any unclear correspondence between terms does not rise to the level of being properly rejected under 35 U.S.C. § 112, first paragraph. Indeed, the Examiner arrived at the correct conclusion in the statement of the Office Action, but was not entirely certain as to the exact correlation between the term "database" and the term "stress-test information database." As such, the specification was at best objectional and not properly rejected under the first paragraph of 35 U.S.C. § 112.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112, first paragraph rejections.

35 U.S.C. § 112, Second Paragraph Rejection

Claims 1-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

This issue is largely related to the first paragraph rejection that is fully addressed above. The Examiner indicates in the Office Action that he finds the term "stress-test information database" to be vague and unclear. The Examiner further states that it is unclear whether the stress-test information database refers to reference character 400, the inventive database that is further described in the specification. As clarified above, the two terms are synonymous, at least with respect to the preferred implementation of the database, which is called the "stress-test information database" that is fully described on pages 30-37 and in Figures 11-15. Furthermore, correlation between claim terms and the specification is not the proper subject of a second paragraph rejection. Nevertheless, it is submitted that the claims are clear and that the modifier "stress-test information" merely modifies the

term "database" in a way that is apparent to the reader. This is particularly true when the claims are read in light of the specification, as must be done according to black letter patent law.

Dependent claims 2-12 have been amended to provide more consistent terminology. Specifically, dependent claims 2-12 refer to a "stress-test database" when they should have referred to a "stress-test information database." A minor clarifying amendment has been made to claims 2-12, but it is submitted that this amendment is not in response to any proper rejection and that this amendment, at best, addresses potentially objectional language in the claims.

For the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection.

Drawings Objections

The drawings are objected to under 37 C.F.R. § 1.83(a) as allegedly not showing every feature specified in the claims. Namely, the stress-test information database is the objectional feature that is allegedly not shown in the drawings. This drawing objection is respectfully traversed.

The specification amendments make it entirely clear that the term "database 400" is synonymous with and is merely a shorthand

version of the full term "stress-test information database." Since Figures 11-15 clearly illustrate database 400 and because database 400 is synonymous with the claim term "stress-test information database," Applicants respectfully submit that the drawings do indeed show every feature of the invention specified in the claims. Therefore, Applicants respectfully request reconsideration and withdrawal of the drawings objection.

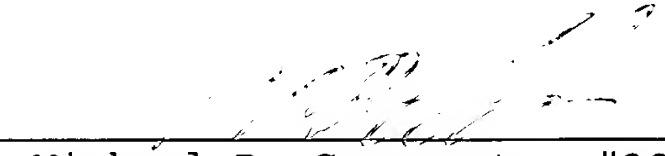
Conclusion

Applicants have now addressed all rejections and objections above. Since no art rejection has been applied, Applicants believe that this application is in condition for allowance. If the Examiner disagrees, then she is strongly encouraged to contact Applicants' representative at the telephone number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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